

AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2155**

**Introduced by Assembly Members Keeley and Gallegos**

February 19, 1998

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An act to add Article 9 (commencing with Section 1569.90) to ~~of~~ Chapter 3.2 of Division 2 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 2155, as amended, Keeley. Residential care facilities for the elderly: home health care: ~~care—plans—resident participation in decisionmaking.~~

Existing law provides for the licensure and regulation of residential care facilities for the elderly, administered by the State Department of Social Services. Existing law also provides for the licensure and regulation of home health agencies. Existing law defines a “home health agency” as an organization that provides or arranges for the provision of skilled nursing services to persons in their temporary or permanent place of residence. Violation of the provisions regulating residential care facilities for the elderly, or willful or repeated violation of any related rule or regulation is a misdemeanor.

This bill would require ~~each resident in a residential care facility for the elderly to have a written care plan, with specified contents, relating to the resident's service needs, and how those needs are to be met. The bill would specify the~~

~~members of the team responsible for preparing the care plan, including a home health agency representative, if the resident receives care from a home health agency, within 2 weeks of a resident's admission to a residential care facility for the elderly, that the resident and the resident's representative, if any, meet with an appropriate member or members of the facility's staff, if the resident is receiving home health services in the facility, a representative of the home health agency involved, and any other appropriate parties, to prepare a written record of the care the resident will receive in the facility, and the resident's preferences regarding the services provided at the facility. The bill would also require the written record of care to be reviewed, and revised, if necessary, at least every 6 months.~~ Because the bill would change the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares  
2 all of the following:

3 (1) Residential care facilities for the elderly provide a  
4 continuum of long-term care services that support the  
5 fluctuating social and personal care needs of elderly  
6 residents.

7 (2) Health-related services, including home health  
8 care, when utilized appropriately and coordinated and  
9 managed effectively, can enhance the quality of care for  
10 residents of a residential care facility for the elderly.

11 ~~(3) A resident's care in a residential care facility is~~  
12 ~~enhanced if the care is based on a care plan developed~~  
13 ~~with the participation of facility staff, appropriate~~

1 ~~medical professionals, the resident, and the resident's~~  
2 ~~representative.~~

3 (3) *Flexibility is the hallmark of residential care*  
4 *facilities for the elderly. However, in order for that*  
5 *flexibility to benefit a resident, it is necessary that the*  
6 *resident, and his or her representative, if any, be able to*  
7 *participate in decisionmaking regarding the care and*  
8 *services to be provided to the resident.*

9 (4) *Under existing law, neither a resident nor his or*  
10 *her representative has the right to participate in the*  
11 *decisionmaking regarding the care and services the*  
12 *resident will receive at a residential care facility for the*  
13 *elderly. A resident or resident's representative has the*  
14 *right to be involved only in the development of an*  
15 *appraisal, which determines whether it is appropriate to*  
16 *admit the resident to, or retain the resident at, a*  
17 *residential care facility for the elderly. A plan of action is*  
18 *required only if the appraisal identifies a need that cannot*  
19 *be met by the facility's general program. The plan of*  
20 *action shall be developed by the licensee and a*  
21 *professional consultant, without the participation of the*  
22 *resident or resident's representative.*

23 (b) *It is therefore the intent of the Legislature to*  
24 ~~*require a care plan for each resident of a residential care*~~  
25 ~~*facility for the elderly, and to ensure that each care plan*~~  
26 ~~*is developed with the participation of facility staff,*~~  
27 ~~*appropriate medical professionals, the resident, and the*~~  
28 ~~*resident's representative.*~~ *require that a resident's care at*  
29 *a residential care facility for the elderly be discussed and*  
30 *planned, at a meeting attended by the resident, the*  
31 *resident's representative, if any, a member or members*  
32 *of the facility's staff, and, if applicable, a representative of*  
33 *the home health agency, to determine the care and*  
34 *services to be provided to the resident.*

35 SEC. 2. Article 9 (commencing with Section 1569.90)  
36 is added to Chapter 3.2 of Division 2 of the Health and  
37 Safety Code, to read:

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Article 9. ~~Care Plans-Resident Participation in~~  
~~Decisionmaking~~

~~(a) Each resident of a residential care facility for the elderly shall have a written plan of care that describes the resident's service needs and specifies how those service needs are to be met. The care plan shall be prepared by a team including, but not limited to, an appropriate member of the facility's staff, the resident, and the resident's representative. If the resident receives care from a home health agency, the team shall include a representative from the home health agency. The care plan shall be reviewed by the resident's attending physician.~~

~~(b) The care plan shall be based on information including, but not limited to, the resident's medical assessment and most recent appraisal. The care plan shall include all of the following:~~

~~(1) Objectives, with a timeframe, that relate to the resident's problems, or unmet needs, or both.~~

~~(2) Plans for meeting the objectives or unmet needs, or both.~~

~~(3) Identification of any individuals or agencies responsible for implementing each part of the care plan.~~

~~(4) A method of evaluating the resident's progress.~~

~~(c) A care plan shall be prepared within two weeks of a resident's admission to a residential care facility for the elderly, and thereafter shall be reviewed and, if appropriate, revised at least once every six months.~~

*1560.90. (a) Within two weeks of a resident's admission to a residential care facility for the elderly, the resident and the resident's representative, if any, shall meet with an appropriate member or members of the facility's staff, if the resident is receiving home health services in the facility, a representative of the home health agency involved, and any other appropriate parties. The participants in the meeting shall prepare a written record of the care the resident will receive in the facility, and the resident's preferences regarding the services provided at the facility.*

1     ***(b) Once prepared, the written record described in***  
2     ***subdivision (a) shall be used by the facility, and, if***  
3     ***applicable, the home health agency, to determine the***  
4     ***care and services provided to the resident. If the resident***  
5     ***has a regular physician, the written record shall be sent***  
6     ***by the facility to that physician.***

7     ***(c) The written record described in subdivision (a)***  
8     ***shall be reviewed, and, if necessary, revised, at least once***  
9     ***every six months, at a meeting attended by the resident,***  
10    ***the resident's representative, if any, an appropriate***  
11    ***member or members of the facility's staff, and, if the***  
12    ***resident is receiving home health services in the facility,***  
13    ***a representative from the home health agency involved.***

14    SEC. 3. No reimbursement is required by this act  
15    pursuant to Section 6 of Article XIII B of the California  
16    Constitution because the only costs that may be incurred  
17    by a local agency or school district will be incurred  
18    because this act creates a new crime or infraction,  
19    eliminates a crime or infraction, or changes the penalty  
20    for a crime or infraction, within the meaning of Section  
21    17556 of the Government Code, or changes the definition  
22    of a crime within the meaning of Section 6 of Article  
23    XIII B of the California Constitution.

24    Notwithstanding Section 17580 of the Government  
25    Code, unless otherwise specified, the provisions of this act  
26    shall become operative on the same date that the act  
27    takes effect pursuant to the California Constitution.